

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition Pursuant to 47 U.S.C. § 160	)	WT Docket No. 01-184
For Partial Forbearance From the	)	
Commercial Mobile Radio Services	)	
Number Portability Obligation	)	

**ACS WIRELESS' REPLY COMMENTS  
IN SUPPORT OF FORBEARANCE**

ACS Wireless, Inc. ("ACSW") hereby files its reply comments in response to the Federal Communications Commission's ("Commission") Public Notice seeking comment on the above-captioned petition for forbearance ("Petition").<sup>1</sup> In its Petition, Verizon Wireless requests forbearance from the Commission's local number portability ("LNP") requirements set forth in 47 C.F.R. § 52.31. The Commission should exercise its authority pursuant to § 10 of the Act, 47 U.S.C. § 160, to forbear from enforcing its LNP requirements industry wide. The extreme cost of LNP, when considered in light of the Commission's other important public safety and service initiatives that require significant expenditures and network modifications, outweighs its benefits and renders LNP unduly burdensome, particularly for small and rural carriers. Therefore, forbearance is in the public interest. For the reasons set forth below, ACSW supports this Petition and urges the Commission to grant the requested relief.

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<sup>1</sup> Public Notice, *WTB Seeks Comment on Wireless LNP Forbearance Petition Filed by Verizon Wireless*, WT Docket No. 01-184, DA 01-1872 (rel. August 7, 2001)

**I. LNP Burdens on Small and Rural Carriers Have Not Been Well Recognized**

ACSW is a small regional wireless carrier currently serving 78,574 cellular subscribers in Alaska, many of whom are in the numerous small and native communities that characterize Alaska. ACSW concurs with the few commenters that have raised the issue such as Dobson<sup>2</sup> and Alltel<sup>3</sup>, that a mandate to provide LNP will substantially impact small and rural carriers that are already struggling to comply with the Commission's other public safety and improved service mandates. Small and rural carriers do not have the broad subscriber base and greater revenues that are required to support significant capital outlays for service improvements like their larger counterparts. As a result, small and rural carriers cannot marshal the financial resources necessary for LNP without compromising their ability to complete other capital improvement priorities or to comply with other important Commission mandates.

While it appears that the Commission intended to reduce the burden of LNP on smaller carriers in its orders, this will not happen in real terms. The FCC required only carriers serving the largest 100 MSAs to provide local number portability by the November 24, 2002 deadline in its regulation.<sup>4</sup> However, for practical reasons, all wireless carriers across the country must deploy the same LRN software simultaneously so that they can track and bill roaming customers under the new MIN/MDN separation standards.<sup>5</sup>

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<sup>2</sup> See Comments of Dobson Communications Corporation In Support of Forbearance, dated Sept. 21, 2001, at 2-3.

<sup>3</sup> See Comments of Alltel Communications, Inc., dated Sept. 21, 2001, at 6-7. ("Alltel Comments")

<sup>4</sup> See 47 CFR § 52.31(a).

<sup>5</sup> See Alltel Comments at 6.

Further, small and rural carriers will likely be asked to provide LNP at the same time as larger carriers. In its 1997 Reconsideration Order, the FCC clarified that carriers could submit requests for LNP to covered carriers serving outside the largest 100 MSAs *at any time*. Smaller carriers will have to provide LNP within six months of a request, or within six months after the top 100 MSA deadline, whichever is later.<sup>6</sup> ACSW expects a request within the earliest timeframe permitted. Consequently, the end effect on small and rural carriers of the Commission's rule is the same as it is on the larger carriers, if not worse. Small and rural carriers face the same financial burdens that are associated with LNP as larger carriers but, unlike larger carriers, small and rural carriers do not have a larger revenue base or the financial resources needed to achieve LNP.

ACSW concurs with Verizon that deploying the LNR software, needed in any event for thousand number block pooling and roaming, will be a substantial undertaking.<sup>7</sup> The demands for ACSW are particularly great given its small size, small staff and logistical challenges. ACSW has only four engineers and six technicians on its staff, to perform *all* its maintenance, upgrades and construction on its system. In addition, this work is complicated by the remoteness of many of ACW's cell sites.<sup>8</sup> For remote locations, ACSW will have to fly its technicians to its switch locations to install, test and run the new software until all systems are reliable.

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<sup>6</sup> See In the Matter of Telephone Number Portability, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7314, par. 137.

<sup>7</sup> See Verizon Wireless' Petition Pursuant to 47 U.S.C. § 160 For Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation, dated July 26, 2001, Appendix at 11-12. ("Verizon Petition")

<sup>8</sup> For example, ACSW has a number of remote cell sites that are stand-alone, on mountain tops, in extremely rural communities, and in other difficult to reach locations. A full one quarter of ACSW's cell sites are not accessible by road.

In addition, ACSW will have to make similar system changes to those Verizon lists to incorporate the MIN/MDN separation requirement.<sup>9</sup> For example, it will be a herculean task for ACSW's one contract programmer to modify all customer billing records to incorporate the new procedures. Thus, ACSW, will not only incur substantial costs for the software and its deployment throughout company systems, but also it will have difficulty finding the staff necessary to accomplish a reliable transition to the new system.

On top of the LNR expense and effort dedicated to accomplish roaming and number pooling described above, ACSW will have to make other significant and expensive network and administrative modifications solely in order to implement LNP fully.<sup>10</sup> For example, ACSW will need to create, at great expense, new procedures and processes for all point of sale systems that support sales and customer care operations. The development of more sophisticated customer front-end systems and the training of the key sales and customer service personnel in these systems is imperative to ensure that the customer impact of LNP is fully understood and can be communicated to customers. Further, all internal systems related to number inventory, call rating, taxation and other administrative programs will need to be modified to ensure that LNP is achieved and monitored appropriately.

Similarly, ACSW, just like larger carriers, will have to add substantially more software capability to its network to enable the loading of numbers necessary for LNP. This is a complex task and will ultimately require that ACSW create comprehensive and expensive communications systems for intercarrier communications. While the foregoing

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<sup>9</sup> See Verizon Petition, at 4-6 for its description of the necessary network and administrative modifications.

<sup>10</sup> See Verizon Petition, at 12-13.

steps are necessary for LNP, none of these former network and administrative modifications are needed to implement number pooling or other Commission mandates.

ACSW's ability to minimize the financial impact of the LNP mandate is hindered. For smaller carriers like ACSW, every capital outlay requires a high degree of strategic planning to time the outlay properly and to minimize its effect on the affordability of services for its subscribers. To satisfy the LNP mandate, ACSW, and other carriers, will have to make "trade-offs" to ensure that their limited resources are used in a manner that complies with regulatory mandates but possibly limits their ability to improve the quality and scope of wireless services they can offer their subscribers.

If LNP is imposed, ACSW's resources will be diverted from network and service expansion efforts as well as from deployment of more advanced technologies that would bring service to previously unserved or under-served areas in Alaska. For example, implementation of LNP will impact ACSW's plans to add eight channel expansions to most of its cell sites to increase its capability for 800 services. Other compelling regulatory mandates, like E-911, roaming and CALEA, will compete for ACSW's limited resources. It will be very difficult for ACSW to fulfill all these new initiatives concurrently with LNP and number pooling.

## **II. Conclusion**

For the foregoing reasons, ACSW respectfully requests that the Commission exercise its authority pursuant to § 10 of the Act, 47 U.S.C. § 160, and forbear from enforcing the LNP regulations because they are unnecessary to achieve demonstrable benefits. The financial costs of LNP are unduly burdensome for carriers of all sizes, but especially for small and rural carriers. Further, the benefits of LNP are outweighed by the

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need to implement other significant public interest mandates like E911 Phase II location accuracy, CALEA, and conservation of scarce numbering resources. Accordingly, it is in the public interest to forbear from enforcing LNP requirements for all covered CMRS providers and the Commission should grant the relief sought by Verizon in its Petition.

Respectfully submitted on this 22 day of October, 2001.

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